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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/738,919	12/17/2003	Michael Smolsky	3602.1003-000	8367

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EXAMINER

FILIPCZYK, MARCIN R

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/738,919

Applicant(s)

SMOLSKY, MICHAEL

Examiner

Marc R Filipczyk

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☒ Claim(s) 1-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to application filed on December 17, 2003 in which claims 1-16 are presented for examination.

Priority

Application claims priority from provisional application 60,442,464 filed on January 23, 2003.

Oath/Declaration

The Oath/Declaration received on May 12, 2004 is in compliance.

Drawings

The drawings were received on May 12, 2004. These drawings are acceptable.

Specification

The disclosure is objected to because of the following informalities:

On page 13, line 17, the sentence has a structural inconsistency and should be corrected accordingly.

On page 18, line 1, "braches" should be replaced with "branches".

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code (i.e., page 23, line 16). See MPEP § 608.01.

Appropriate correction is required.

Claim Objections

Claims 1-16 are objected to because of the following informalities:

Regarding claim 1, the step of “selecting a subset of all chunks as representative of the data in the document” is objected to. Since the claimed feature comprises and uses first and second documents, the segment “the data in documents” should be replaced with “the data in the first and second documents.” Next, the step of “determining a set of coefficients...” is objected to because the invention uses multiple sets of coefficients, thus “determining a set of coefficients that represent selected chunks” should be replaced with “determining sets of coefficients that represent selected chunks from first and second documents.”

Regarding claim 6, the segment “method is claim 5” is mistyped and should be replaced with “method as in claim 5.”

Regarding claim 11, step f), the term “this” should be “said.”

Regarding claims 2-16 depend from claim 1 therefore contain the deficiencies of claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being **indefinite** for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Regarding claim 1, the step of evaluating... “by counting clusters” is indefinite. It is not clear what clusters are counted and/or if clusters are the same as the coefficient clusters.

Regarding claim 9, the phrase, “a sufficient degree of similarity” is indefinite. It is not clear what degree of similarity qualifies as sufficient. Further, “the clusters” is indefinite. It is not clear what clusters are being used.

Regarding claim 11, the segment in step e), “most similar” is indefinite. It is not clear what clusters qualify as most similar. Second, step g), “until a bottom” is indefinite. It is not clear how many bottoms are in the hierarchy and how the method would accommodate possible plurality of bottoms.

Regarding claims 2-16, they depend from claims 1, 9 and 11 respectively, thus contain the deficiencies of those claims.

Claims 6, 9-11, 15 and 16 are rejected under 35 U.S.C. 112, second paragraph for reciting limitations with **insufficient antecedent** basis.

Regarding claim 6, “the vectors” lack antecedent basis.

Regarding claim 9, “wherein the step of comparing” lacks antecedent basis. Further, “the hierarchy” lacks antecedent basis.

Regarding claims 10, 11, 15 and 16, those claims inherit the lacking antecedent basis from their parent claim 9. Further, claim 10, “the queried document” lacks antecedent basis.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are listed below to demonstrate the state of art with respect to document matching and document similarity.

U.S. Patent No. 5,926,812 of Hilsenrath et al.

U.S. Patent No. 6,633,882 of Fayyad et al.

U.S. Patent No. 6,778,995 of Gallivan

U.S. Patent No. 6,418,431 of Mahajan et al.

U.S. Patent No. 6,298,174 of Lantrip et al.

Conclusion

To expedite the process of examination Examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. amendments, 35 U.S.C. 112, objections and the like) set forth by the Examiner that Applicants provide and link to the most specific page and line numbers of the disclosure where the best support is found (see 35 U.S.C. 132).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R Filipczyk whose telephone number is 703-305-7156.

The examiner can normally be reached on Mon-Fri, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF
October 16, 2004



UYEN LE
PRIMARY EXAMINER